

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

~~Denise Pinder, R.N.~~

Registered Nurse License No. R31778

200 Cold Spring Road, Apt. B-215

Rocky Hill CT 06067

CASE PETITION NO. 930405-10-022

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated April 5, 1994. (Department Exhibit 1) The Statement of Charges alleged, in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Denise Pinder (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated April 14, 1994 scheduling a hearing for September 21, 1994 (Department Exhibit 1-B). The hearing was continued and took place on January 11, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut. (Department Exhibit 2) (Hearing Transcript, January 11, 1995, p. 5)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and his/her specialized professional knowledge in evaluating the evidence.

**FACTS**

Based on the testimony given and the exhibits offered into evidence, the Board made the following Findings of Fact:

1. Denise Pinder, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R31778 on March 9, 1979 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-C)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1-A) (Hearing Transcript, January 11, 1995, p. 4)
3. The Respondent was aware of the hearing and the charges against her. Department Exhibit 1-B indicates that the Notice of Hearing and Statement of Charges were sent to the Respondent by first class mail. That the hearing scheduled for September 21, 1994 was continued at the request of the Respondent. (Hearing Transcript, January 11, 1995, p. 5) Department Exhibit 2 indicates that the Notice of Continuance of Formal Hearing was sent to the Respondent by first class mail.
4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, January 11, 1995, p. 2)
5. That on February 19, 1993, subsequent to an investigation by the Rocky Hill, Connecticut, Police Department, the Respondent was arrested and charged with "Possession of Narcotics With Intent To Sell By A Non-Drug Dependent Person" and "Conspiracy to Distribute Narcotics". (Department Exhibit 1-F)
6. That beginning on or about February 23, 1993 the Respondent participated in the Hartford Alternative Incarceration Center program of the Connecticut Prison Association. (Department Exhibit 1-G)

7. That on or about May 25, 1993; August 18, 1993; and December 23, 1993, while a participant of the Hartford Alternative Incarceration Center, the Respondent submitted to urine screens the results of which were positive for the controlled substance Cocaine. (Department Exhibit 1-G)
8. That on or about April 13, 1994 the Respondent's participation in the Hartford Alternative Incarceration Program was revoked for failing to comply with the conditions of participation. (Department Exhibit 1-G)

### **DISCUSSION AND CONCLUSIONS**

In consideration of the above Findings of Fact, the following conclusions are rendered:

Denise Pinder held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT of the Statement of Charges alleges that while the holder of a registered nurse license in the State of Connecticut, the Respondent: on or about February 27, 1993, was arrested on two felony counts of "possession of narcotics with intent to sell by a non-drug dependent person and conspiracy to distribute narcotics", and in the past, up until at least December 30, 1993 "has used or abused cocaine".

The Respondent was not present at the hearing to answer these charges, therefore the Board deems these charges admitted.

## ORDER

By \_\_\_\_\_